

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

UMG RECORDINGS, INC., et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	No. 1:17-cv-00365-DAE
GRANDE COMMUNICATIONS	)	
NETWORKS LLC,	)	
	)	
Defendant.	)	

**DEFENDANT GRANDE COMMUNICATIONS NETWORKS LLC’S  
RESPONSE IN OPPOSITION TO PLAINTIFFS’  
CONDITIONAL MOTION FOR WRIT OF EXECUTION**

The Court should deny Plaintiffs’ Conditional Motion for Writ of Execution. In the event the Court denies Grande’s Motion for Stay of Execution of Judgment and for Waiver of Bond (ECF No. 502), Grande will post a supersedeas bond. Accordingly, Plaintiffs will not be entitled to a writ of execution. Fed. R. Civ. P. 69(a)(1) (federal execution “must accord with the procedure of the state where the court is located”); Tex. R. Civ. P. 627 (“If no supersedeas bond . . . has been filed and approved, the clerk of the court or justice of the peace shall issue the execution upon such judgment . . .”).

Grande also objects to Plaintiffs’ Conditional Motion to the extent Plaintiffs propose that the Court issue a writ of execution if Grande has not posted such a bond within **seven days** of an order denying Grande’s Motion. Given the complexity of securing such a bond, Grande respectfully submits that **14 days** is more reasonable. Because it is uncertain when the Court will take up these matters, Grande is concerned that it may be required to supplement financial information it has already provided to potential bond issuers, which could take some time to

compile. Ultimately, an additional seven days does not constitute undue delay; Grande is merely trying to simplify matters to avoid the need for any further motion practice on this subject.

Accordingly, in the event the Court denies Grande's Motion for Stay of Execution of Judgment and for Waiver of Bond (ECF No. 502), Grande respectfully requests that the Court defer any consideration of Plaintiffs' Conditional Motion until at least 14 days after such ruling.

Dated: April 20, 2023

By: /s/ Richard L. Brophy

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